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~~TOP SECRET SENSITIVE~~

Minutes of the
Meeting of the National Security Council
January 29, 1969

In attendance were:

The President
The Vice President
Secretary of State
Under Secretary of State
Secretary of Defense
Chairman, Joint Chiefs of Staff
Director, Office of Emergency Preparedness
General Andrew J. Goodpaster
Dr. Lee DuBridge

The President opened the meeting by announcing that this morning's session would focus on the Nonproliferation Treaty (NPT) and that on Saturday, starting at 9:30 a.m. the Council would consider the Middle East problem.

The President stated that he was publicly on record in favor of the NPT but that the main question here was one of timing and procedure. 'Specifically, he wanted to fix how we would inform our European friends, how we would orchestrate clearance with the Senate and how we could assure the skillful groundwork in order to achieve ratification.

The President stated that he was convinced of the merits of the NPT but that he wished that everyone would be informed

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of the background by Mr. Fisher so that everyone would proceed from the same point of departure when dealing with questions from Senators, the press or our allies.

, The President stated he felt it also would be valuable to have Mr. Helm's views on the attitude of our allies vis-a-vis the NPT.

Mr. Fisher commenced the meeting with the briefing on the background of the NPT, emphasizing first the provisions of the Treaty itself and making the following points.

- First operative paragraph of the Treaty provides that there will be no transfer of weapons or no help provided to non-nuclear nations by the signator.
- Article 2 was a mirror image of article 1 and provides that havenots agree not to acquire or seek help.
- Article 3 poses the most serious problems as it is the control article which provides for negotiation of IAE controls. Fisher stated that the Soviets maintain they do not need inspections of non-nuclear plants when they are producing weapons anyway. We have maintained that the Soviet's position will create problems with our allies. Consequently, the U.S. has agreed to multilateral inspections

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on its part even if the Soviets will not accept them. Our allies are very concerned about this because they fear a permanent inferiority on nuclear technology. This issue was the genesis of the two-year period allocated to the finalization of the arrangements in this area.

-- Articles 4 and 5 deal with the peaceful uses of nuclear energy and Article 5 prohibits not only weapons but peaceful nuclear explosive devices. This issue has also caused major problems among the havenots. Thus, the Treaty provides for PLOWSHARE services on an at-cost basis and does not include R&D costs.

Mr. Fisher pointed out that the above were the main articles of the Treaty and added that Article 10 provides for a withdrawal clause. Fisher then touched on the present parliamentary situation, with respect to the Treaty, reviewing the status of countries within the UN forum.

Mr. Fisher then turned to the problems associated with the Treaty as they affect our European allies, emphasizing that the control article seemed to be causing the most difficulty and that

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that is why we have two years to work out this problem under the provisions of the Treaty. It appears that this is ^{going to} ~~is / good to~~ take some delicate work and perhaps some arm twisting.

Mr. Fisher then discussed the issue of early U. S. ratification. Many of the countries are waiting for the U. S. lead in this area, he said, and of course the Czech Invasion set us back. Senator Aiken, Mr. Fisher stated, has a serious problem with the Treaty as it affects our commercial interests. He believes that the R&D provision will mean that the U. S. will pay all the bills with respect to the peaceful use of nuclear energy.

Mr. Fisher stated that we had given a list of questions and answers to the Soviets not to get them to agree with our position but rather to get their views on where we stood on this sensitive problem.

The President asked if the group had any questions. Dr. DuBridge inquired when does the clock start on the two-year time limit to get the control issue agreed upon. Mr. Fisher stated that it will be two years from the date of ratification and that this meant that it could be as long as three years from now, with six months to negotiate and perhaps another 18 months to complete these negotiations.

The President asked what the implications of the Treaty were should we wish to help a small nation on the peaceful uses of nuclear energy.

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Mr. Fisher said that they would ask us, we would then tell the IAEA that we were going to do this and invite them to see what we were doing with the exception of the exact techniques involved in the peaceful explosion.

The President said this was strange because if they could learn how to conduct a peaceful explosion, they would have no problems with the weapons. Fisher said this is correct but we would use a "black box" solution. Fisher added that the main problems with the Euratom countries are the need of getting some type of controls within the two years and working out the issue of peaceful explosions.

The President asked specifically about the PLOWSHARE program as it pertains to the new Ismian Canal.

Dr. DuBridge interjected that it was the AEC's position that the Test Ban Treaty need not be amended, whereas Mr. Fisher insists that it will have to be. This is the long-standing, interdepartmental fight which has been going on for a considerable period. The AEC has been adamant, just as the ACDA people have.

The President asked Mr. Kissinger to give him some advice on our ability to amend the Test Ban Treaty. Under Secretary of State Richardson inquired as to the status of the legal study on the

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the need to amend the Treaty. Mr. Fisher stated that the real issue is that any fallout or debris resulting from a peaceful explosion violates the Treaty, for example, the harbor explosion in Australia which is outside of our own country definitely would violate the Treaty.

Dr. DuBridge stated, "perhaps, but is the debris or fallout measurable or significant. This is the key question". Fisher said any measurable debris would appear to violate the Treaty if it can be picked up by others.

At this point, Mr. Helms commenced his briefing, which is at Tab A and which touched upon the attitudes of the various countries with respect to the NPT.

Following Mr. Helms' briefing, the President asked what the status of the Soviet's PLOWSHARE activity had been. Dr. DuBridge replied that it had been considerable.

The President pointed out that treaties don't necessarily get us very much but that people tend to overestimate what such a treaty means. For example, suppose a country wanted to make their own weapons, then they could obviously abrogate the treaty without sanctions.

The President also asked, for example, even with the treaty what are we accomplishing that would not happen without the treaty?

Mr. Kissinger said the treaty permits us to give nuclear weapons to European countries, i.e., collectively.

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The President said then as far as the Soviets are concerned, they have achieved nothing. What we are really going to get out of this are prohibitions against what we wouldn't do anyway. Basically, I view the value of the treaty as its psychological impact. In this regard, Europe remains a problem area".

The Vice President asked the Director, CIA, how far havenot countries were away from having weapons.

Mr. Helms replied that you could divide the countries into two groups, those that would have the materiel in about two years and those that would not have it for about five years.

The Vice President said, "what would the treaty do to those countries who are near having the weapon but have not yet signed"?

Mr. Helms replied, "it worries them."

The President stated that the Israelis are very close to a weapon.

General Lincoln pointed out that he feels they will be ready within six months if they decide to proceed. General Goodpaster asked whether we were certain that they did not have it as early as January 1, 1967. It was pointed out that the main prohibition against an Israeli announcement or admission that they have nuclear weapons would be the threat that the Soviets or Chinese would help the Arabs.

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Mr. Helms and Mr. Fisher departed at 11:10 a.m.

The President introduced the substantive discussion, stating that the group would now consider the means of dealing with our allies and other foreign countries on the NPT issue and, secondly, procedures we would follow with the U.S. Congress. He emphasized that this was not to be a decision meeting. We have already decided. We have also decided to go slow, especially with the FRG so as to give them time to resolve their own internal problem.

The President stated he also wanted detailed coordination with the Senate before any announcement was to be made, adding we are going forward and here is the general game plan:

1. Clear our proposed action with the Germans with Mr. Kissinger and Secretary Rogers coordinating on this.
2. Determine when we want to ask the Senate to go forward. Secretary Rogers stated that they had done some thinking about this and were prepared to advise the President.
3. Timing is crucial. The Secretary of State was told to hold up on any announcements until the necessary groundwork was laid. The Senate would be absent from the 7th to the 17th of February. Secretary Rogers recommended that the President just

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make a brief announcement and that it be sent over just before they go into recess, timed in such a way as to prevent a full-scale call for testimony.

General Wheeler pointed out that when this was reviewed previously that the Foreign Relations Committee had moved ahead unilaterally and did not even invite the Armed Services Committee to special sessions on the NPT and that this had caused such stir among the Armed Services Committee that the Administration had to draw back.

The President asked if this meant that Congress would insist on hearings to which the Chairman replied, "it certainly means that we must explore this matter with Russell and Stennis". Secretary of State said, "I should see Mr. Russell anyhow and I will discuss this matter with him."

The President said, "well, let's not sit on this one too long. The Czech issue could explode at any time and result in another delay".

The President stated, "I think we should proceed before the Senate leaves, adding that he wished to maintain the initiative. Once the issue was placed in their lap, it would be up to them".

Mr. Kissinger stated that he agreed with this and with Secretary Rogers and that the President should send his message to

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the Hill, indicating support of the NPT, by the middle of next week and that the President should get himself on record before they leave. Then, if there are to be hearings, they would be conducted after they return. Then the onus would be on the Hill. If the Czech issue should heat up, then we will have the initiative as to where to go from there.

The President instructed the Secretary of State to call the Soviet Charge and tell him of our decision to proceed.

the FRG should be advised
The President stated that this action on our part is not to be interpreted as any acquiescence on our part to the Soviets interpretation of the intervention clause.

The President asked if all these things could be done by Wednesday, stating that we might send the message over on Thursday. Secretary Rogers cautioned that perhaps Wednesday would look better.

Secretary of Defense said the Congress will be in session on Thursday. Secretary Rogers reiterated that Thursday might look like too much of a finesse.

The President stated that we should be ready to go no later than Monday with his message in final form and with the coordination effected with the Soviets and the FRG, as well as designated Congressional leadership.

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Secretary Rogers said once we tell the Soviets it will be all over the world.

The President said, "should this occur, we would say I am considering the NPT".

General Lincoln pointed out that consent prior to ratification might take some time, anticipating that Thurmond will resist consenting.

Secretary Rogers pointed out that this might be true but the onus would rest on the Hill.

The President then emphasized his strong commitment to PLOWSHARE and his desire to get the test ban issue sorted out as soon as possible and that he is especially concerned that the Soviets will move ahead of us in this area.

Dr. DuBridge stated that while the Soviets had probably exercised PLOWSHARE to a greater degree than we had, that they are not ahead of us in technology. He also emphasized that the resolution of the interdepartmental split on the Test Ban Treaty issue would be most difficult.

The President asked if Dr. DuBridge wanted Mr. Kissinger to get all parties concerned together.

The Chairman stated that this was an urgent matter, that we are abiding by the treaty quite literally, while the Soviets have been very careless.

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Mr. Kissinger stated there were two other issues to be resolved. First, following ratification, how much pushing would we do on others, especially the FRG with its internal political problems. Mr. Kissinger stated that if we don't pressure the Germans, it would help them.

The President emphasized that he was in full agreement with Mr. Kissinger and that he wanted it understood that there was to be no arm twisting of other states on the NPT issue, that it is completely up to them as to whether or not they follow U. S. lead.

Secretary of State said that we must be careful not to give the impression that we don't care whether they follow suit.

The President said this may be so but we will just state that we are hopeful that they will follow suit, without adopting heavy-handed tactics.

Mr. Kissinger said the second problem had to do with the security provisions associated with the Treaty. We have been speaking with two conflicting lines on this one. First, we assure our allies that we will give them protection if they sign the NPT and, on the other hand, we have been assuring the Congress that this action will not extend U. S. guarantees abroad. We need to get these two tracks in harness. The answer should be somewhere in between

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the two extremes and we must be consistent both at home and abroad. It is inconsistencies like this that build the credibility gap.

The President stated that his travels abroad certainly confirmed Mr. Kissinger's point. Our allies insist on guarantees and the Congress insists that there be no extension of U.S. commitments.

Secretary of State emphasized that we would have to be very careful on this issue, that were it to explode it could kill the whole proposal.

General Wheeler stated that when he testified before Congress on the NPT, he went on public record to the effect that we had no intention of going beyond existing guarantees.

The President pointed out that we will need very careful approach to this issue. If there is any intimation of an extension of U.S. guarantees, Senate consent would not be forthcoming.

The President said we will have to look at this in terms of our worldwide commitments and the Secretary of State again emphasized that this issue should not be mentioned.

Mr. Kissinger said that it must be kept in mind that Mr. Johnson had stated publicly that we would protect the other countries in the event of nuclear attack.

Secretary Rogers said, "but we cannot raise this issue now or we will be in a buzz saw."

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The President emphasized that the U. S. people do not want any more commitments, would not permit them and despite what the former President had said, we must not get boxed in on this issue.

Meeting adjourned at 11:35 a. m.

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